

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

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In re:

**Administrative Order 09-6**

**ADOPTION OF AMENDED LOCAL RULES  
AND CLARIFICATION OF STATUS OF  
LOCAL FORMS, COURT GUIDELINES,  
CLERK'S INSTRUCTIONS, AND  
ADMINISTRATIVE ORDERS**

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In accordance with Bankruptcy Rule 9029 and Rule 87.1, Local Rules, U.S. District Court, Southern District of Florida, this court reviewed its existing local rules and entered Administrative Order 09-5, *"Proposed Amended Local Rules - Opportunity for Comment"* on August 28, 2009, which set forth the scope of the local rules revision process and established a deadline of October 1, 2009, for submission of written comments on the proposed amended local rules.

The court, having given notice and the opportunity for public comment pursuant to 28 U.S.C. §2071(b), Bankruptcy Rule 9029 and Rule 83, Federal Rules of Civil Procedure, and having reviewed and considered the comments received and incorporated any necessary further amendments into a final version of the amended local rules, has unanimously determined to adopt amended local rules, and **ORDERS** as follows:

1. The local rules of this court shall be amended effective December 1, 2009, as set forth in the attached [Exhibit A](#). The clerk shall publish an [updated summary](#) of significant amendments to the local rules that will reflect those additional amendments made to the draft amended local rules which were circulated to the public for comment under Administrative Order 09-5.

2. In conjunction with the adoption of the amended local rules, all local forms, internal court forms, clerk's instructions, and court guidelines were reviewed and, where necessary, revised to conform to the amended local rules and to reflect stylistic changes agreed to by the court. The new and existing local forms, clerk's instructions, and court guidelines being issued in conjunction with these local rules amendments, and a summary list of the changes, shall be published by the clerk of court prior to December 1, 2009.

3. Upon the effective date of these amended local rules, the following previously issued administrative orders are, as applicable, rendered moot or have been replaced, through incorporation, in whole or as modified, in the new amended local rules or administrative orders issued or to be issued in conjunction with the amended local rules.

- a. AO 08-3 "Status of Interim Bankruptcy Rules Adopted by Administration Order 05-4 Upon 12/01/08 Effective Date of Federal Rules of Bankruptcy Procedure" (Note: This order will be replaced by a separately issued administrative order);
- b. AO 08-4 "Adoption of Interim Bankruptcy Rule 1007-1" (Note: This order will be replaced by a separately issued administrative order);
- c. AO 09-1 "Waiver of Electronic Filing Requirement for Pro Bono Attorneys Representing Debtors";
- d. AO 09-2 "Revised Policy on Electronic Availability of Transcripts of Court Proceedings" (Note: This order has been converted into a Court Guideline under amended Local Rule 5005-1(A)(2)(b).);
- e. AO 09-3 "Amendments to Local Rule 3022-1 and Related Local Forms to Clarify Requirements for Closing Individual Chapter 11 Cases with Confirmed Plans"; and
- f. AO 09-4 "In re: 1) Delegation of Responsibility for Service of "Notice of Trustee's Final Report and Applications for Compensation (NFR)" to Chapter 7 Case Trustees: 2) Implementation of New Local Form "Trustee's Summary of Requested Fees and Expenses" and 3) Related Local Rules Amendments".

**4.** In accordance with 28 U.S.C. §2071(d), Bankruptcy Rule 9029, and Rule 83, Federal Rules of Civil Procedure, the Clerk of Court shall furnish a copy of the amended local rules to the Eleventh Circuit Judicial Council and the Director of the Administrative Office of the United States Courts. Furthermore, the Clerk of Court shall give appropriate public notice of the adoption of the new local rules, and new and amended local forms and guidelines and arrange for copies to be made available to the public.

**ORDERED** in the Southern District of Florida on November 19, 2009.

/s  
 PAUL G. HYMAN  
 Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges  
 Clerk of Court

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

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**SUMMARY OF LOCAL RULES AMENDMENTS  
EFFECTIVE 12/1/09**

The United States Bankruptcy Court for the Southern District of Florida entered Administrative Order 09-6 adopting amended local rules. The court provides the following summary of certain changes to the local rules for the convenience of the bar and other parties in interest. The summary does not reference all changes to the local rules. The entire text of the amended local rules is available on the court website.

**I. Time Computation Related Amendments**

- A. The word “calendar” was removed wherever it appeared in front of the word “days.” Consistent with proposed changes to Bankruptcy Rule 9006, to be effective December 1, 2009, all references to “days” are presumed to be references to consecutive days of the week except as specifically provided in the Bankruptcy Rules and the local rules.
- B. Except as provided in C and D below, for local rules citing a deadline or time period greater than five (5) business days but less than 30 days, the deadline or time period was changed to a multiple of seven (7) including:
- period of five (5) or seven (7) business days were changed to seven (7) days;
  - periods of ten (10) business days, ten (10) calendar days, or fifteen (15) calendar days were changed to fourteen (14) days;
  - periods of twenty (20) days changed to twenty-one (21) days; and
  - periods of twenty-five (25) days changed to twenty-eight (28) days.
- C. The following three local rules are an exception to the time calculation changes set forth in B above:
1. Local Rule 2004-1(B) is amended to remove the distinction between in state and out of state examinations and to change the time period to 14 days.
  2. Local Rule 7030-2 is amended to remove the distinction between in state and out of state parties and to change the time period to 14 days.
  3. Local Rule 3015-3(B)(1)(a), stating that the court has determined it is in the best interests of creditors and the estate to hold chapter 13 confirmation hearings earlier than 20 days after the meeting of creditors, remains unchanged as the related time period provided in the

Bankruptcy Code will not be changed.

- D. For all local rule deadlines or time periods of five (5) calendar days or less than five (5) business days, the deadline or time period was not changed and the word “business” was retained in front of the word “days” with one exception:

– Local Rule 9013-1(L)(3), addressing the timing of objections by utility companies to an adequate assurance motion when the hearing is set on less than five days notice, still references such five (5) day time period to be consistent with Bankruptcy Rule 9006(d), which provides for at least five (5) days notice between service of a motion and the hearing.

- E. Local Rule 5005-4(G) is amended to conform to the amendment in Bankruptcy Rule 9006(A)(4)(a) to provide that for electronic filing the day ends at midnight in the court’s time zone.

## **II. Incorporation of Administrative Orders**

The proposed amended local rules incorporate the provisions of the following existing Administrative Orders:

- AO 09-1: Waiver of Electronic Filing Requirement for Pro Bono Attorneys Representing Debtors
- AO 09-2: Revised Policy on Electronic Availability of Transcripts  
(AO 09-02 will be converted into a new Court Guideline under Local Rule 5005-1(A)(2)(b))
- AO 09-3: Amendments to Local Rule 3022-1
- AO 09-4: Delegation of Responsibility for Service of Notice of Trustee’s Final Report

## **III. Abrogation of Certain Current Local Rules or Comments in the Rules**

- A. The comment to Local Rule 3007-1(B)(1), addressing the deadline for objections to confirmation of a chapter 11 plan, has been abrogated as unnecessary as subdivision (B)(1) states that the deadline will be set in the local form orders, which are prepared by the court.
- B. Local Rule 7012-1, which provides for a twenty-five (25) day response period in adversary proceedings, is abrogated.
- C. Local Rule 9076-1(E) is abrogated as it duplicates a provision of the Bankruptcy Rules.

## **IV. Elimination of Provisions Referring to Red Cover Sheet**

Local Rules 5005-1(F)(2), 9013-1(F), and 9075-1 are revised to eliminate references to a red cover sheet for emergency matters.

**V. Failure to Comply with Exhibit D Requirement**

Local Rule 1007-1(E)(2)(c), regarding the consumer credit counseling requirement, is amended to change the title and to provide that a case may be dismissed if Exhibit D Box 3 is checked and the debtor fails to set forth exigent circumstances, or if Exhibit D Box 4 is checked and the debtor fails to file the required motion for determination by the court.

**VI. Filing Deadline Established for Fee Applications in Chapter 11 Small Business Cases**

Rule 2016-1(C) is amended to set a deadline of not later than 14 days prior to the date of the confirmation hearing for filing fee application in chapter 11 small business cases.

**VII. Administrative Expense Claims of Governmental Units**

Local Rule 3001-1(B), addressing the need to file a motion or application in connection with an administrative expense, is amended to add a reference to 11 U.S.C. §503(b)(1)(D), to clarify that this rule does not apply to governmental unit administrative expense payments, and to remove a cross-reference to a local rule that no longer exists.

**VIII. Omnibus Claims Objections in Chapter 13 Cases**

Local Rule 3007-1(B)(2), in part addressing the filing of omnibus claims objections in chapter 13 cases, is amended to exclude combined objections to claims for those claims that are the subject of a motion to value collateral, as such objections should be addressed separately in conjunction with the motion to value and not combined with unrelated objections to claims.

**IX. Revised Local Form Chapter 13 Valuation Motion and Related Proposed Order**

Local Rule 3015-3(A)(1), (2), and (3) is amended to reflect adoption of the revised Local Form “Motion to Value and Determine Secured Status of Lien on Real Property” and the related new Local Form “Order Granting Motion to Value and Determining Secured Status”.

**X. Reference to Official Bankruptcy Form Small Business Plan and Disclosure Statement**

Local Rule 3016-1 is amended to reference Official Bankruptcy Forms “Plan of Reorganization in Small Business Case under Chapter 11” and “Disclosure Statement in Small Business Case under Chapter 11”.

**XI. Entry of Discharge**

Local Rule 4004-3, addressing entry of discharge, is amended to add references to relevant Bankruptcy Code and Bankruptcy Rule provisions, to reflect the correct name of the local form referenced in this rule, and to delete provisions that duplicated language from Bankruptcy Rule 4004.

## **XII. Notice of No Discharge or Waiver or Revocation of Discharge**

Local Rule 4006-1, addressing notice of no discharge or waiver or revocation of discharge, is amended to add chapter 12 cases to those cases that may be closed without a discharge if debtor fails to provide required local certification forms.

## **XIII. Reaffirmation Agreements After Discharge**

Local Rule 4008-1(E), addressing reaffirmation agreements entered into after discharge, is amended to substitute the word “made” for the word “signed” to be consistent with Section 524 of the Bankruptcy Code.

## **XIV. Local Rule 6004-1(A)**

Local Rule 6004-1(A) is amended to add a reference to Bankruptcy Rule 6004. Clerk of Court note: This summary was amended on 12/08/09, to correct a scrivener’s error. Local Rule 6004-1(A) was amended to add reference to Bankruptcy Rule 6003. The 2009 Local Rules Amendment Note has been corrected to reference Bankruptcy Rule 6003.

## **XV. Local Rule 5011-2 Amended to Delete Cross-Reference to Local Rule 7012-1**

Local Rule 7012-1 is abrogated, requiring a corresponding amendment to Local Rule 5011-2 to remove reference to Local Rule 7012-1.

## **XVI. Local Rule 7054-1(E) Deadline for Filing Objections to Taxation of Costs**

Local Rule 7054-1(E) is amended to reference Bankruptcy Rule 7054(b).

## **XVII. Summary Judgment**

Local Rule 7056-1, addressing notice to parties responding to motions for summary judgment, is added to the local rules. This new local rule requires that the moving party must serve each adverse individual with a new local form “Notice Regarding Opposing Motions for Summary Judgment” explaining the summary judgment rules, the right to respond by submitting documents, and the consequences of failing to respond to a motion for summary judgment.

## **XVIII. Redaction of Transcripts**

Local Rule 5005-1(A)(2)(b), addressing redaction of transcripts filed with the court, is amended to reflect the court’s expanded policy and to reflect abrogation of Administrative Order 09-02 due to incorporation of provisions of that order into court guidelines.

## **XIX. Deficient Petitions and Papers**

Local Rule 5005-1(C)(2), addressing deficient petitions and papers filed with the clerk, is amended to clarify that papers may be returned without filing only in closed cases.

## **XX. Delivery of Proposed Orders**

Local Rule 5005-1(G)(1)(b), which currently requires parties to bring proposed orders to hearings, is amended to clarify that, except for emergency matters, orders should be uploaded in electronic format using the E-Orders program in CM/ECF.

## **XXI. Official Case Record**

Local Rule 5005-4(E), addressing the official case record, is amended to add “public access restrictions” to the list of changes to electronic court records that will require an order.

## **XXII. Credit Card Payment Errors**

Local Rule 5081-1(D)(2), addressing credit card payment errors, is amended to reflect that filing fee refunds will be processed through the electronic credit card system.

## **XXIII. Consent to Jury Trial**

Local Rule 9015-1(B), addressing the deadline for parties to file a statement of consent to a jury trial before the court, is amended to remove the words “or non consent” to be consistent with the Bankruptcy Rules.

## **XXIV. Electronic Appearances**

Local Rule 9036-1(A)(1), regarding electronic appearances, is amended to clarify the effect of a party becoming a registered user subsequent to already having made an appearance in a case.

## **XXV. Other Amendments**

- The definition of “business day” is added to Local Rule 1001-1(F).
- Local Rule 1002-1(A)(2) is amended to add “limited partnerships” to the list of entities that must file a corporate ownership statement.
- Minor changes through the local rules to correct scrivener’s errors.